

Hon. James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUNG KWANG KIM,

Defendant.

NO. CR05-0354JLR

ORDER GRANTING STIPULATED
MOTION TO CONTINUE TRIAL
DATE

THIS MATTER having come before the Court on the stipulated oral motion of the parties for an order continuing the trial date, and the Court having considered the stipulated motion of the parties, the reasons set forth in open court, together with the balance of the records and files herein, the Court hereby adopts the reasons set forth by the parties and finds that the failure to continue the trial date would likely result in a miscarriage of justice, pursuant to 18 U.S.C. § 3161(8)(B)(i), and would unreasonably deny the defendant or the attorney for the Government the reasonable time for effective preparation, taking into account the exercise of due diligence, pursuant to 18 U.S.C. § 3161(8)(B)(iv), and it further appearing to the Court that the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial,

IT IS HEREBY ORDERED that the stipulated motion of the parties to continue the trial date is GRANTED;

1 IT IS FURTHER ORDERED that the trial date shall be continued from December
2 27, 2005, to May 23, 2006;

3 IT IS FURTHER ORDERED that the period of delay from December 27, 2005,
4 until May 26, 2006, is excludable time, pursuant to 18 U.S.C. § 3161(h)(8)(A), for the
5 purpose of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C. §§
6 3161-3174.

7 Having advised the Court through the representations of counsel that he has agreed
8 to waive his speedy trial rights under the Speedy Trial Act, 18 U.S.C. §§ 3161-3174, and
9 that he has further agreed that the period from December 27, 2005, through May 23,
10 2006, shall be an excludable period of time pursuant to 18 U.S.C. § 3161(h)(8)(A), the
11 Defendant shall immediately execute and file formal waiver of his speedy trial rights
12 documenting his agreement to the continuance and to the exclusion of time.

13
14 DATED this 15th of December, 2005.

15
16 s/James L. Robart

17 JAMES L. ROBART
18 United States District Judge

19 Presented by:

20 s/ Kathryn Kim Frierson
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